

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): C. Aggarwal et al.
Docket No.: YOR920000430US1
Serial No.: 09/703,174
Filing Date: October 31, 2000
Group: 2177
Examiner: Nathan Hillery

Title: Methods and Apparatus for Intelligent
Crawling on the World Wide Web

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowability dated July 8, 2011 in the above-identified application.

REMARKS

Applicants respectfully disagree with the contention, found in the Notice of Allowability at page 2, first paragraph, that the specification at page 9, line 24, at page 10, line 2, defines aggregate statistical information as information that contains two kinds of information: (1) the number of times each word has occurred during the entire process of crawling and (2) the number of times that each token in any URL has occurred during the entire process of crawling. Applicants further disagree with the contention, found in the Notice of Allowability at page 2, second paragraph, that “an accounting of the number of times a word occurs and a token occurs . . . is a requirement of collecting aggregate statistical information.”

Applicants respectfully submit that the language which is alleged to define the term “aggregate statistical information” occurs only within a description of “aggregate statistical information according to an embodiment of the present invention,” as discussed in the specification at page 9, lines 22-24, with reference to FIG. 3. Applicants respectfully submit that characterizing this description of aggregate statistical information in an illustrative embodiment as a definition of the term aggregate statistical information amounts to improperly importing a limitation from the specification into the claims.

The Federal Circuit has consistently held that a “particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.” *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). See also, e.g., *American Piledriving Equipment Inc. v. Geoquip Inc.*, 637 F.3d 1324, 98 USPQ2d 1001, 1009 (Fed. Cir. 2011) (“Although the specification states that ‘[t]he bottom portion of the counterweight is cast having insert receiving areas or bores . . . extending fully through the gear portion and fully through the eccentric weight portion,’ the intrinsic record is devoid of anything to suggest or indicate that the bore must *always* extend fully through either portion.”) (internal citation omitted, emphasis in original)

Rather, “aggregate statistical information” and “predicate-specific statistical information” are consistently described in the present specification as information maintained for all retrieved documents and information maintained for the subset of the

retrieved documents which satisfy a given predicate. See, the specification at for example, page 8, lines 17-22; page 9, lines 11-15; and page 10, lines 15-25.

Applicants respectfully submit that the claims are patentable because the cited references fail to teach or suggest the limitations recited in said claims, when properly read in light of the specification, for at least the reasons identified in Applicants' prior responses, including the Appeal Brief filed on May 12, 2008 and the Reply Brief filed on September 18, 2008.

Applicants respectfully request that the above comments be made of record and placed into the application file pursuant to 37 C.F.R. §1.104(e).

Respectfully submitted,

/David E. Shifren/

Date: July 29, 2011

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